



DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPOSITIONS THAT TREAT OR INHIBIT PATHOLOGICAL CONDITIONS ASSOCIATED WITH INFLAMMATORY RESPONSE, the specification of which

_____ is attached hereto as Attorney Client-Matter No. _____).

X was filed on October 20, 2003, as Application Serial No. 10/689,856
(Attorney Client-Matter No. 68911-060)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material

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information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
10/464,410	June 18, 2003	Pending
10/464,834	June 18, 2003	Pending
10/400,293	March 26, 2003	Abandoned
10/401,283	March 26, 2003	Abandoned
60/450,237	February 25, 2003	Pending
60/420,383	October 21, 2002	Abandoned
09/885,721	June 20, 2001	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Matthew L. Tripp

Inventor's signature: Matthew L. Tripp

Date: February 3, 2004

Residence: Gig Harbor, Washington

Citizenship: United States of America

Mailing Address: 4202 71st Avenue Court NW
Gig Harbor, Washington 98335

Inventors: Tripp et al.
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Full name of second inventor:

John G. Babish

Inventor's signature:



Date:

1-8-04

Residence:

Brooktondale, New York

Citizenship:

United States of America

Mailing Address:

508 White Church Road
Brooktondale, New York 14817

Full name of third inventor:

Jeffrey S. Bland

Inventor's signature:

Date:

Residence:

Fox Island, Washington

Citizenship:

United States of America

Mailing Address:

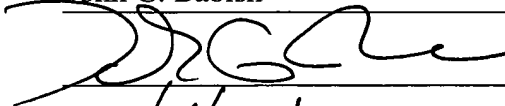
957 11th Lane
Fox Island, Washington 98333

Inventors: Tripp et al.
Serial No.: 10/689,856
Filed: October 20, 2003
Page 3

Full name of second inventor:

John G. Babish

Inventor's signature:



Date:

2/4/04

Residence:

Brooktondale, New York

Citizenship:

United States of America

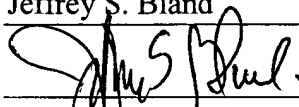
Mailing Address:

508 White Church Road
Brooktondale, New York 14817

Full name of third inventor:

Jeffrey S. Bland

Inventor's signature:



Date:

02/03/04

Residence:

Fox Island, Washington

Citizenship:

United States of America

Mailing Address:

957 11th Lane
Fox Island, Washington 98333

Inventors: Tripp et al.
Serial No.: 10/689,856
Filed: October 20, 2003
Page 4

Full name of fourth inventor:

Gary K. Darland

Inventor's signature:



Date:

3 Feb 04

Residence:

Gig Harbor, Washington

Citizenship:

United States of America

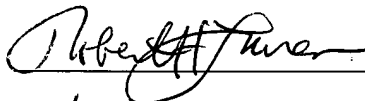
Mailing Address:

1718 Clorindi Circle NW
Gig Harbor, Washington 98335

Full name of fifth inventor:

Robert Lerman

Inventor's signature:



Date:

2/3/04

Residence:

Gig Harbor, Washington

Citizenship:

United States of America

Mailing Address:

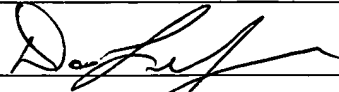
6918 Cascade Avenue
Gig Harbor, Washington 98335

Inventors: Tripp et al.
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Filed: October 20, 2003
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Full name of sixth inventor:

Daniel O. Lukaczer

Inventor's signature:



Date:

2/3/04

Residence:

Gig Harbor, Washington

Citizenship:

United States of America

Mailing Address:

5820 98th Avenue NW
Gig Harbor, Washington 98335

Full name of seventh inventor:

DeAnn J. Liska

Inventor's signature:



Date:

2/3/04

Residence:

Tacoma, Washington

Citizenship:

United States of America

Mailing Address:

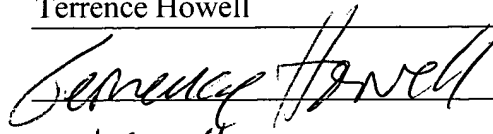
6210 N. Parkway
Tacoma, Washington 98407

Inventors: Tripp et al.
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Page 6

Full name of eighth inventor:

Terrence Howell

Inventor's signature:


1.8.09

Date:

Residence:

Lansing, New York

Citizenship:

United States of America

Mailing Address:

36 Lake Shore Road
Lansing, New York 14882



PATENT

Client-Matter No.: 68911-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Tripp et al.

Serial No: 10/689,856

Filed: October 20, 2003

For: COMPOSITIONS THAT TREAT OR
INHIBIT PATHOLOGICAL CONDITIONS
ASSOCIATED WITH INFLAMMATORY
RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

“Business concern” means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months. "Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

(3) Nonprofit organization:

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B),(D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C),(D).

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include, but are not limited to, an inventor him- or herself or an authorized officer of an assignee or licensee. See § 1.27(c)(2).

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I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. The other party having rights in the invention is **METAGENICS, INC.** Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

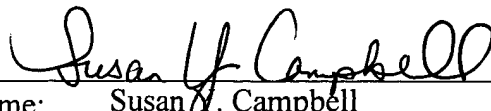
I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

1-29-04
Date


Name: Susan J. Campbell
Title: General Counsel

METAPROTEOMICS, LLC
100 Avenida La Pata
San Clemente, California 92673



POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee METAPROTEOMICS LLC is the owner of the entire right, title and interest of U.S. Patent Application Serial No. 10/689,856, filed on October 20, 2003, as attorney docket number 68911-060, and entitled COMPOSITIONS THAT TREAT OR INHIBIT PATHOLOGICAL CONDITIONS ASSOCIATED WITH INFLAMMATORY RESPONSE

and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

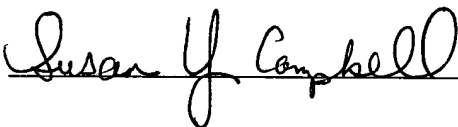
The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; ANDREA L. GASHLER, Registration No. 41,029; DEBORAH L. CADENA, Registration No. 44,048; ASTRID R. SPAIN, Registration No. 47,956; and PAMELA M. GUY, Registration No. 51,228.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL
McDERMOTT, WILL & EMERY
4370 La Jolla Village Drive
Suite 700
San Diego, California 92122

The undersigned is authorized to sign on behalf of the Assignee.

Signature: 
Name (typed): Susan Y. Campbell
Title: General Counsel
Assignee: METAPROTEOMICS, LLC
Date: 1-29-04



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: COMPOSITIONS THAT TREAT OR INHIBIT
PATHOLOGICAL CONDITIONS ASSOCIATED WITH
INFLAMMATORY RESPONSE

Application Ser. No.: 10/689,856

Filed: October 20, 2003

Inventor(s): Tripp et al.

Attorney Client-Matter No.: 68911-060

METAPROTEOMICS, LLC a corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

1-29-04
Date

Susan Y. Campbell
Name: Susan Y. Campbell
Title: General Counsel

METAPROTEOMICS LLC
100 Avenida La Pata
San Clemente, California 92673

COPY

ASSIGNMENT

This Assignment is made by Matthew L. Tripp of Gig Harbor, Washington, John G. Babish of Brooktondale, New York, Jeffrey S. Bland of Fox Island, Washington, Gary K. Darland of Gig Harbor, Washington, Robert Lerman of Gig Harbor, Washington, Daniel O. Lukaczer of Gig Harbor, Washington, DeAnn J. Liska of Tacoma, Washington, and Terrence Howell of Lansing, New York, Assignors, to METAPROTEOMICS, LLC, Assignee, having a place of business at 100 Avenida La Pata, San Clemente, California 92673.

WHEREAS, Assignors have invented a new and useful COMPOSITIONS THAT TREAT OR INHIBIT PATHOLOGICAL CONDITIONS ASSOCIATED WITH INFLAMMATORY RESPONSE for which an application for United States Letters Patent was filed on October 20, 2003, in the United States Patent and Trademark Office, bearing Serial No. 10/689,856, and identified as Attorney Client-Matter No: 68911-060;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

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Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

Inventors: Tripp et al.
Serial No.: 10/689,856
Filed: October 20, 2003
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IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s)
provided below.

Assignor: Matthew L. Tripp

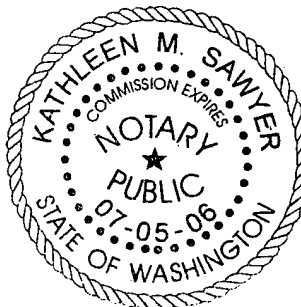
Matthew L. Tripp 2-3-04
Signature Date

STATE OF Washington
COUNTY OF Pierce

On 2-3-04, before me, Kathleen M. Sawyer personally appeared
Matthew L. Tripp, ☒ personally known to me - OR - ☐ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Kathleen M. Sawyer
(Signature of Notary)



Inventors: Tripp et al.
Serial No.: 10/689,856
Filed: October 20, 2003
Page 4

Assignor: John G. Babish

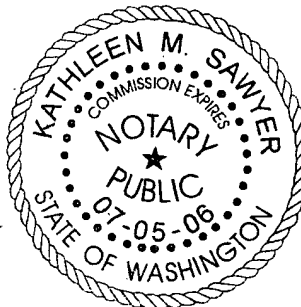
[Signature] 2/4/04
Signature Date

STATE OF Washington
COUNTY OF PIERCE

On 2-4-04, before me, Kathleen M. Sawyer personally appeared
John G. Babish, ☒ personally known to me - OR - ☐ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

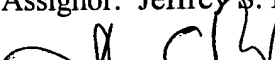
WITNESS by hand and official seal.

[Signature]
(Signature of Notary)



Assignor: Jeffrey S. Bland

Assignor: JERRY S. BLANK

 02/3/04

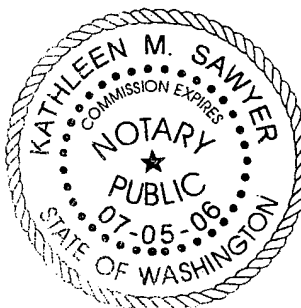
Signature Date

STATE OF Washington
COUNTY OF Pierce

On 2-3-04, before me, Kathleen M. Sawyer, personally appeared Jeffrey S. Bland, ☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Kathleen M. Sawyer
(Signature of Notary)



Inventors: Tripp et al.
Serial No.: 10/689,856
Filed: October 20, 2003
Page 6

Assignor: Gary K. Darland

Gary K. Darland
Signature

4 Feb 04

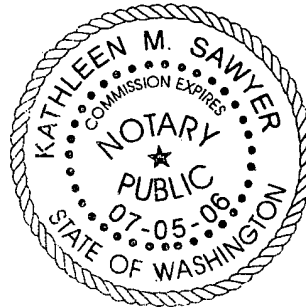
Date

STATE OF Washington
COUNTY OF Pierce

On 2-4-04, before me, Kathleen M. Sawyer, personally appeared
GARY K. DARLAND ✓ personally known to me - OR - ___ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Kathleen M. Sawyer
(Signature of Notary)



Inventors: Tripp et al.
Serial No.: 10/689,856
Filed: October 20, 2003
Page 7

Assignor: Robert Lerman

Robert Lerman
Signature

2/3/04

Date

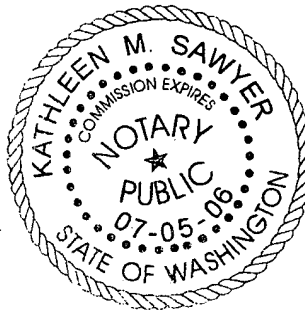
STATE OF Washington
COUNTY OF PIERCE

On 2-3-04, before me, Kathleen M. Sawyer, personally appeared

Robert Lerman, ☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Kathleen M. Sawyer
(Signature of Notary)



Inventors: Tripp et al.
Serial No.: 10/689,856
Filed: October 20, 2003
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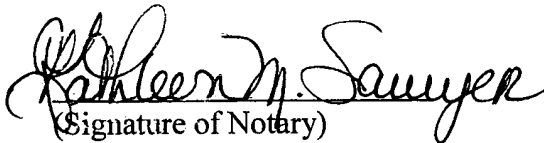
Assignor: Daniel O. Lukaczer

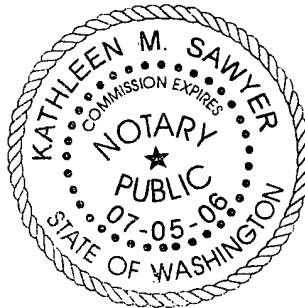

Signature _____ Date 2/3/04

STATE OF Washington
COUNTY OF PIERCE

On 2-3-04, before me, Kathleen M. Sawyer personally appeared
DANIEL LUKACZER ✓ personally known to me - OR - ____ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.


(Signature of Notary)



Inventors: Tripp et al.
Serial No.: 10/689,856
Filed: October 20, 2003
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Assignor: DeAnn J. Liska

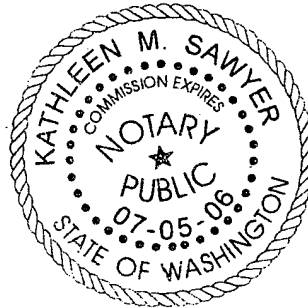
DeAnn J. Liska 2/3/04
Signature Date

STATE OF Washington
COUNTY OF PIERCE

On 2-3-04, before me, Kathleen M. Sawyer personally appeared
DeAnn J. Liska, ☒ personally known to me - OR - ☐ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he she/they executed the same in his her/their
authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Kathleen M. Sawyer
(Signature of Notary)



Inventors: Tripp et al.
Serial No.: 10/689,856
Filed: October 20, 2003
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Assignor: Terrence Howell

Terrence Howell 1.8.04
Signature Date

STATE OF New York
COUNTY OF Tompkins

On 1/8/04, before me Cynthia Kemp personally appeared
Terrence Howell personally known to me - OR - he proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Cynthia I. Kemp
(Signature of Notary)
CYNTHIA I. KEMP
Notary Public, State of New York
No. 4709672
Qualified in Tompkins County
Commission Expires June 30, 2006